IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

RP.No. 302 of 2007(R)
IN W.P.C.26196/2006

AGAINST THE JUDGEMENT/ORDER IN WPC.26196/2006 Dated 13/02/2007

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REVIEW PETITIONER/PETITIONER

SUNIL VARGHESE,
S/O.VARGHESE DAVID, CC NO.40/954, PALLINADA,
PALARIVATTOM P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.P.VIJAYAKUMAR

RESPONDENTS: RESPONDENTS

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1. MANAGER,
ICICI BANK, M.G.ROAD, ERNAKULAM.

2. RANI MOTORS, NEAR PARTHAS,
ERNAKULAM.

3. GUIDELINES, ANITHA ESTATE,
DOOR NO.27/135-G, KIZHAVANA ROAD,
PERUMANOOR, KOCHI-15.

4. RAMESH KUMAR,
C.I.OF POLICE, ERNAKULAM TOWN (NORTH).

G.P.SMT.SMITHA SUKUMAR.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 05/06/2007, ALONG WITH RP NO. 355 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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R.P.No.355 of 2007
in
R.P.No.302 of 2007
in
W.P.C.No.26196 of 2006,
R.P.No.302 of 2007
in
W.P(C)No.26196 of 2006
&
W.P(C)No.26196 of 2006

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Dated this the 5th day of June, 2007.

ORDER

By order dated 13-2-2007 in W.P.(C)No.26196 of 2007, I had directed that if the entire amounts under demand is deposited under protest within a period of three weeks, the vehicle in question would be released to the writ petitioner, subject to further orders. The first respondent was given the freedom to proceed with the vehicle in accordance with law in case of default to remit the amount as aforesaid. A plain reading of that order does not call for any review for the simple reason that there is no error apparent on the face of that order and it is also not pointed that the said order is vague. R.P.No.302 of 2007 is therefore without any merit.

2. When R.P.No.355 of 2007 was moved for admission, it was pointed out that the original R.C.Book of the vehicle is available with the financier. The Bank was accordingly directed in R.P.No.302 of 2007 to produce the R.C.Book. The Bank has filed R.P.No.355 of 2007 taking the stand that the R.C.Book is not in its custody. I directed the Circle Inspector of Police, Thevara Police Station to conduct an enquiry and report. The Circle Inspector of Police has placed a report. It is apparent from that report that the Bank disputes the plea of the writ petitioner that it has custody of the RC Book. There are controversies as to facts and such disputed questions of fact are not to be gone into these review petitions. It is also pointed out by the Bank that since the interim order dated 13-2-2007 in W.P(C) No.26196 of 2006 was not complied with, it has sold away the vehicle to third party.

3. Under the aforesaid circumstances, all interim

orders in R.P.No.302 of 2007 are vacated and the same is dismissed. R.P.No.355 of 2007 is allowed to the extent indicated above. However, it is clarified that this judgment shall not affect any right of the parties inter se as regards the rights referable to the contract between them and they will be entitled to work out their remedies before the appropriate courts or other authorities in accordance with law.

Having regard to what is aforesaid, learned counsel for the writ petitioner submits that the writ petition may also be closed leaving the parties to work out their remedies elsewhere. Recording the aforesaid, W.P(C)No.26196 of 2006 is dismissed.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

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R.P.No.355 of 2007
in
R.P.No.302 of 2007
in
W.P.C.No.26196 of 2006,
R.P.No.302 of 2007
in
W.P(C)No.26196 of 2006
&
W.P(C)No.26196 of 2006

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ORDER

Dated:5-6-2007